

# STATE OF NEW YORK

6644

2021-2022 Regular Sessions

## IN ASSEMBLY

March 23, 2021

Introduced by M. of A. FRONTUS -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the public health law, in relation to expanding access to telehealth services through insurers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 3217-h of the insurance law is amended by adding  
2 two new subsections (c) and (d) to read as follows:

3 (c) Insurers shall provide telehealth services without first requiring  
4 patients to make contact in-person before providing such telehealth  
5 services. Plans shall include reimbursement for health care providers  
6 for any diagnosis, consultation or treatment of a patient, client enrol-  
7 lee or subscriber delivered through telehealth services in the same  
8 manner and to the same extent as the health care service plan would be  
9 responsible for reimbursement for the same service through in-person  
10 diagnosis, consultation or treatment.

11 (d) Reimbursement for telehealth services shall not be required to be  
12 unbundled from other capitated or bundled risk-based payments, provided,  
13 however, telehealth companies shall not receive exclusive contracts.

14 § 2. Section 4306-g of the insurance law is amended by adding two new  
15 subsections (c) and (d) to read as follows:

16 (c) Corporations shall provide telehealth services without first  
17 requiring patients to make contact in-person before providing such tele-  
18 health services. Contracts shall include reimbursement for health care  
19 providers for any diagnosis, consultation or treatment of a patient,  
20 client enrollee or subscriber delivered through telehealth services in  
21 the same manner and to the same extent as the contract would be respon-  
22 sible for reimbursement for the same service through in-person diagno-  
23 sis, consultation or treatment.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1     (d) Reimbursement for telehealth services shall not be required to be  
2     unbundled from other capitated or bundled risk-based payments, provided,  
3     however, telehealth companies shall not receive exclusive contracts.

4     § 3. Section 2805-u of the public health law is amended by adding a  
5     new subdivision 5 to read as follows:

6     5. Telemedicine service providers shall be required to obtain and  
7     document a patient or client's consent before initiating telemedicine  
8     services, provided, however, such consent does not need to be provided  
9     in-person.

10    § 4. This act shall take effect immediately and shall apply to insur-  
11    ance contracts beginning or renewed on or after January 1, 2022.